

LAW ON MISDEMEANORS

GENERAL PROVISIONS

Contents of the Law

Article 1

This law shall regulate the general conditions for the misdemeanors and misdemeanor sanctions, general conditions for determination of the misdemeanor responsibility, rendering and enforcement of the misdemeanor sanctions and the misdemeanor procedure performed by the courts, i.e. based on this and other Laws, state authorities or organizations and other authorities performing public responsibilities authorized to impose misdemeanor sanctions (herein after: misdemeanor authorities).

Application of the regulations of the Criminal Code and the Law on Criminal Procedure

Article 2

(1) For the misdemeanor and the misdemeanor responsibility, the provisions of the General part of the Criminal Code shall apply.

(2) If the this Law does not provide otherwise, the courts shall apply the following provisions of the Law on Criminal Procedure to the misdemeanor procedure: the basic principles; language, competence, competence consequences and conflict of competences; exemption; defendant; attorney; writs; minutes; deadlines; reinstatement; costs; property request; enacting and announcing the decisions; service of writs; summoning, arrest, detention of persons, guarantee and taking foreigner's passports; hearing of witnesses; review; expertise; search of premises and persons; regular and extraordinary legal remedies.

Part One

SUBSTANTIVE PROVISIONS

Chapter 1

GENERAL PROVISIONS

Legality in determination the misdemeanors and in prescribing the misdemeanor sanctions

Article 3

Nobody shall be punished for misdemeanor for an act which, before it was done, has not been determined by a law as a misdemeanor and for which a sanction has not been prescribed by a law.

Misdemeanor sanctions

Article 4

The following shall be rendered for misdemeanor perpetrated under conditions of this Law:

1. Misdemeanor sanctions for adult perpetrators;
2. Misdemeanor sanctions for minors;
3. Misdemeanor sanctions for legal entities; and
4. Special misdemeanor measures.

Chapter Two

MISDEMEANOR AND MISDEMEANOR LIABILITY

Misdemeanor

Article 5

The misdemeanor is an unlawful act determined by law, with attributes determined by Law and for which misdemeanor sanction is provided.

Responsibility of a natural person

Article 6

(1) A natural person shall be liable for negligence, if the law does not determine that s/he shall be punished only if s/he committed the misdemeanor intentionally.

(2) A responsible person in the legal entity or sole proprietor shall be punished for misdemeanor when the misdemeanor was committed by that person's activity or by his/her non performance of the supervision.

Responsibility of a legal entity

Article 7

(1) The legal entity shall be responsible for misdemeanor only if it is specifically determined by the law in which the misdemeanor is proscribed.

(2) The legal entity is responsible for misdemeanor if the misdemeanor was committed by act or failure to perform due supervision by the relevant authority or responsible person of the legal entity or by act or letting another persons who was authorized to act on behalf of the legal entity, within the framework of his competence or if he has broken the authority in order to obtain benefit for the legal entity.

(3) The misdemeanor responsibility of the legal entity does not exclude the responsibility of the perpetrator of the misdemeanor.

(4) All legal entities, excluding the Republic of Macedonia, the state authorities and authorities in the units of local self government, are responsible for the misdemeanors determined by Law.

(5) Legal entity in bankruptcy is responsible for misdemeanor committed before the commencement of the bankruptcy procedure and only special measure confiscation of property, property benefit and confiscation of objects can be rendered.

Responsibility of a foreign legal entity

Article 8

A foreign legal entity shall be responsible for misdemeanor if the misdemeanor is committed on the territory of the Republic of Macedonia no matter if he has his own representative office or branch office in the Republic of Macedonia.

Responsibility for a misdemeanor of another

Article 9

(1) In cases prescribed by Law, the parent or the guardian shall be responsible for misdemeanor committed by a minor if the misdemeanor is committed as a result of failure to perform the due supervision.

(2) The responsible person of the legal entity or sole proprietor, in cases prescribed by Law, shall be responsible for misdemeanor committed by employ of that legal entity or sole proprietor, if the misdemeanor was committed as result of failure to perform the due supervision on the work. The responsibility of the responsible person of the legal entity or sole proprietor shall not exclude the responsibility of the perpetrator.

Responsibility of an official person within a state authority and within a unit of local self government

Article 10

The official in state authority and authority of the units of local self government shall be responsible if he/she had committed the misdemeanor in the framework of his/her official competences or if he/she had exceeded the official competences.

Attempt

Article 11

There is no responsibility for attempted misdemeanor, except in cases prescribed by Law.

Helper and supporter

Article 12

There is no responsibility for supporting and helping misdemeanor, except in cases prescribed by Law.

Chapter Three

MISDEMEANOR SANCTIONS OF ADULT OFFENDERS

Types of misdemeanor sanctions for adult offenders

Article 13

The following sanctions can be imposed to adult perpetrators for committed misdemeanors:

1. fine;
2. warning;
3. termination of the validity of a driver's license;
4. prohibition to operate a motor vehicle;
5. prohibition to perform a profession, activity or duty;
6. eviction of a foreign person from the country; and
7. mandatory treatment of alcoholics and drug addicts (persons with addiction diseases).

Conditions for imposing misdemeanor sanction

Article 14

(1) The fine shall be provided and imposed as a main sanction.

(2) The warning shall be imposed instead of the fine for lighter misdemeanors.

(3) The prohibition to perform profession, activity or duty shall be imposed only when the perpetrator is fined.

(4) Termination of the validity of a driver's license or prohibition to operate motor vehicle shall be imposed together with fine, warning or as an individual sanctions in cases determined by Law.

(5) The eviction of a foreign person from the country shall be imposed together with fine, warning or as an individual sanction in cases determined by Law.

(6) The mandatory treatment of alcoholics and drug addicts (persons with addiction diseases) shall be imposed together with fine or as an individual sanction in cases determined by Law.

Fine

Article 15

(1) The fine for natural person consists of payment of certain monetary amount which cannot be less than 15 Euro in denar value, nor bigger than 1000 Euro in denar value.

(2) The fine for the responsible person in legal entity or official or sole proprietor cannot be prescribed in amount less than 50 Euro in denar value, nor in amount bigger than 2000 Euro in denar value.

(3) The Law which prescribes the misdemeanor can prescribe fine in bigger amount than the amounts determined in paragraphs 1 and 2 of this article.

(4) Fine in amount double than prescribed in paragraphs 1 and 2 of this article can be imposed for misdemeanors committed out of self-interest or misdemeanors causing larger property damage or proportionally to the amount of the damage or self-interest but not exceeding twenty times the fine provided in paragraphs 1 and 2 of this article.

(5) For misdemeanors for which the fine is imposed on the spot, this Law cannot prescribe an amount which:

- for natural persons cannot exceed 200 Euro in denar value,
- for the responsible person of legal entity, official or sole proprietor cannot exceed 600 Euro in denar value.

Deadline for paying the fine

Article 16

(1) The deadline for paying the fine shall be determined in the decision for the misdemeanor and it can not be less than 8 days nor longer than 30 days from the day when the decision became final.

(2) In reasonable cases, when the perpetrator does not own sufficient property, is unemployed or has certain disease or in other similar circumstances, the payment of the fine be paid in installments shall be allowed. In that case, the way of paying the money and the deadline which can not be longer than six months, shall be determined.

Conditional postponement of the fine payment

Article 17

(1) The payment of the fine can be postponed for not longer than one year, if the perpetrator does not commit new misdemeanor, compensate the damage caused by the misdemeanor or remove the harmful effects of the misdemeanor.

(2) If within that deadline stipulated in paragraph 1 of this article, an effective decisions for new or previously committed misdemeanor is enacted or if the perpetrator does not compensate the damage or does not remove the harmful effects of the misdemeanor, the imposed fine increased for 20% shall be enforced.

Enforcement of the fine

Article 18

(1) If the perpetrator fails to pay the fine within the determined deadline, completely or partially, coercive enforcement shall be applied according to the provisions of the Law on enforcement.

Warning

Article 19

(1) Warning can be imposed for misdemeanor committed under circumstances which make it especially light.

(2) Warning can be also imposed if the misdemeanor consists of failure to perform certain obligation, or if the misdemeanor caused damage, and the perpetrator before the enactment of the decision for the misdemeanor has performed the obligation i.e. has compensated the damage.

Termination of the validity of a driver's license

Article 20

(1) The court can impose sanction of termination of the validity of driver's license, if misdemeanor in the traffic safety is committed and if it caused danger for severe consequence and if there is evidence that the perpetrator has reached 100 negative points in the public traffic.

(2) The negative points in the public traffic shall be stipulated in the Law on Road traffic Safety.

(3) If the driver reaches or exceeds 100 negative points in the public traffic in the last three years, the court shall impose sanction of termination of validity of driver's license in the category of motor vehicle with which he/she had reached 100 negative points.

(4) The imposed sentence of termination of validity of driver's license shall not be enforced if two years period has passed from the effectiveness of the decision on the misdemeanor.

(5) In the cases stipulated in paragraphs 1, 2, 3 of this article, the driver's license shall become invalid on the day of effectiveness of the decisions which imposed the sanction of termination of the validity of the driver's license.

(6) The perpetrator who was imposed with termination of the validity of driver's license cannot obtain the right to drive motor vehicle of the category with which the misdemeanor has been committed and for which the driver's license has been revoked, within one year from the day of termination of the value of the driver's license.

Prohibition to operate a motor vehicle

Article 21

(1) Sanction of prohibition to operate a motor vehicle can be imposed for misdemeanor against the safety of the public traffic, with which danger for severe consequences has been caused i.e. if the act caused harmful consequence for certain types or categories in duration of 30 days to one year.

(2) For the perpetrator who does not possess a driving license, and commits a misdemeanor stipulated in paragraph 1 of this article, the prohibition to operate a motor vehicle shall include prohibition to obtain driver's license in period between 30 days and one year.

(3) The prohibition to operate motor vehicle shall be recorded in the driver's license not later than 15 days from the effectiveness of the decision and shall start from the day of recording in the driver's license.

(4) If the sanction stipulated in paragraph 1 and paragraph 3 of this article has been imposed to person with foreign driver's license, this prohibition to operate a motor vehicle shall be valid on the territory of the Republic of Macedonia.

(5) The misdemeanor authority can impose a sanction of prohibition to operate a motor vehicle in duration up to 30 days.

Prohibition to perform a profession, activity or duty

Article 22

(1) The perpetrator of a misdemeanor shall be prohibited from performing certain profession, activity or duty and works connected with disposition, use, management and handling with property or keeping that property, if, based on the nature of the misdemeanor and the circumstances under which it has been committed, that activity could be misused to commit the misdemeanor again.

(2) The court shall determine the duration of the prohibition stipulated in paragraph 1 of this article, and it cannot be less than one nor more than five years, counting from the day of the effectiveness of the decision.

(3) The misdemeanor authority can impose the sanction stipulated in paragraph 1 of this article in duration of not shorter than 3 days and not longer than 15 days.

Eviction of a foreign person from the country

Article 23

(1) The court can impose sanction of eviction from the country to a perpetrator who is not a citizen of the Republic of Macedonia, if it determines that the nature of the misdemeanor, the perpetrator's motives and the circumstances under which the misdemeanor has been committed, show undesirability for further stay of the perpetrator in the country.

(2) The eviction of a foreign person from the country can last from one to ten years, or forever and shall be counted from the day of eviction of the perpetrator from the territory of the Republic of Macedonia.

(3) The eviction stipulated in paragraph 1 of this article cannot be imposed to a perpetrator who is protected by ratified international agreement.

Mandatory treatment of alcoholics and drug addicts (persons with addiction diseases)

Article 24

(1) The court can impose mandatory treatment of alcoholics and drug addicts (persons with addiction diseases), in out-patient department or in a specialized institution, to a perpetrator of misdemeanor due to addiction to permanent use of alcoholic drinks, drugs and other psychotropic substances in case of danger that due to the addiction he/she will commit new misdemeanors.

(2) If the perpetrator, without a justified reason does not go to treatment or if he/she leaves the treatment voluntarily, the court can impose mandatory treatment of alcoholics and drug addicts which will be enforced in specialized institution.

(3) The enforced treatment in specialized institution can last up to two years.

General rules for measuring the sanction

Article 25

(1) The sanction shall be measured to the perpetrator within the boundaries prescribed by the law, taking into account the misdemeanor responsibility of the perpetrator and the hardness of the misdemeanor.

(2) All the circumstances which influence the sanction to be lighter or more severe (extenuating and hindering circumstances), and especially: the degree of responsibility of the perpetrator for the misdemeanor, the motives for the misdemeanor, the degree of endangering or breach of protected good, the circumstances under which the misdemeanor has been committed, the previous record of the perpetrator, his/her personal situation and the behavior after the misdemeanor, especially if the damage has been compensated shall be taken into account during the determination of the sanction.

(3) The property situation of the perpetrator, the amount of his/her salary, his/her other revenues, his/her property and family obligations, and

in case of misdemeanors in the field of taxes and customs duties the amount of the unpaid obligations shall be taken into consideration during the determination of the fine.

(4) The sanctions imposed for previously committed misdemeanor cannot be hindering circumstances if more than two years have passed from the day of the effectuation of the decision for misdemeanor to the new misdemeanor.

(5) The economic power and the previously imposed sanctions will be taken into account during the measuring of the fine for legal entity.

Accumulation of misdemeanors

Article 26

(1) If the perpetrator, with one act or several acts, has committed more than one misdemeanor, but the decision for misdemeanor has not been enacted, the sanction for any individual misdemeanor will be determined first, and then as a single sanction all determined sanctions will be imposed.

(2) If fine is prescribed for several misdemeanors committed together, the court shall impose single sanction which equals the sum of the separately determined fines, which cannot exceed the maximal fine determined in this Law.

(3) The provisions of the paragraphs 1 and 2 of this article, shall also apply in case when the perpetrator was granted with conditional delay of the payment of the fine based on article 17 of this Law.

Extended misdemeanor

Article 27

(1) To the perpetrator who, using the same permanent relationship, same conditions and other similar circumstances commits intended two or more timely connected acts which represent the same misdemeanor, the a single sanction within the boundaries of the sanctions prescribed for that misdemeanor shall be imposed.

(2) The perpetrator, who, under the circumstances of paragraph 1 of this article commits two or more timely connected acts which are misdemeanors of the same type, will be sentenced in the boundaries of the sanction prescribed for the most severe misdemeanor.

Release from the sanction

Article 28

(1) The court, i.e. the misdemeanor authority can release the perpetrator from the sanction only if the law strictly prescribes that.

(2) In case when the court, i.e. the misdemeanor authority is authorized to release the perpetrator from sanction, can soften the sanction without limitations prescribed for softening of the sentence or can soften only the sentence prohibition to operate a motor vehicle or eviction of foreign person from the country.

Special basis for releasing from the sanction

Article 29

The court i.e. the misdemeanor authority can release from the sanction the perpetrator of misdemeanor of negligence in case when the consequences from the misdemeanor affect the perpetrator so severely that the sanction would not meet the goal of the punishment.

Release due to removal of the adverse consequences of the misdemeanor

Article 30

For misdemeanor, for which sanction is prescribed, committed under especially extenuating circumstances, if the damaged party agrees, the court i.e. the misdemeanor authority can release from sanction the perpetrator, who, until the conclusion of the misdemeanor procedure shall return the lost gain for the damaged party, compensate the damage or in other way shall compensate or remove the adverse consequences from the misdemeanor.

Softening of fine

Article 31

In case when the misdemeanor is committed under especially extenuating circumstances and the law prescribes minimal fine, the fine can be softened to the general legal minimum.

Chapter Four

MISDEMEANOR SANCTIONS AGAINST MINORS

Exceptions to misdemeanor sanctions against minors

Article 32

Misdemeanor sanctions cannot be imposed to a minor, who, in the time of the misdemeanor has not reached 14 years of age (child).

Imposing misdemeanor sanctions against minors

Article 33

(1) Only educational measure shall be prescribed to a minor, who in the time of committing of the misdemeanor had more than 14 and less than 16 years of age (younger minor).

(2) Educational measure shall be imposed to a minor, who in the time of committing the misdemeanor had more than 16 and less than 18 years (older minor), and a fine shall be imposed as an exception.

Chapter five

EDUCATIONAL MEASURES

Type of educational measures for minors who have committed misdemeanors

Article 34

(1) The following educational measures shall be imposed to minor perpetrators of misdemeanors:

- disciplinary measures: admonition or sending to a youth disciplinary center and
- measures of strengthened supervision by the parents, by the adopting parent or guardian, in other family or by social authority.

(2) Disciplinary measures shall be imposed to a minor when there is no need for permanent educational measures, especially if he/she had committed the misdemeanor out of stupidity.

(3) Measures of strengthened supervision shall be imposed to a minor who needs permanent measures of education, retraining or treatment with appropriate supervision and complete separation from the previous environment is not necessary.

(4) The court can determine one or more special obligations together with the measure of strengthened supervision:

- 1) to ask forgiveness from the damaged party;
- 2) to repair or remove the damage caused by the misdemeanor;
- 3) to attend the school regularly;
- 4) to be present on the working place;
- 5) to be trained for work which corresponds to his abilities and physical strength;
- 6) to accept a job;
- 7) prohibition to use alcoholic drinks, drugs and other psychotropic substances;
- 8) to restrain him/herself from visiting certain places i.e. shows;
- 9) to attend appropriate healthcare institution or counseling;
- 10) to avoid contacts with persons who have harmful effects on his/her personality;
- 11) to be subjected to a psychical and physical treatment;
- 12) to be trained in order to keep the job or the create prerequisites for finding job; and

13) to provide review and to accept advice regarding the distribution and spending the salary and other revenues.

Fine

Article 35

(1) Older minor shall be fined, as an exemption, in case if in the time of the misdemeanor, regarding his/her psychical development, he/she could understand the meaning of the misdemeanor, if there are other conditions for responsibility for misdemeanor according to the provisions of this Law and if he/she has own property or revenues.

(2) The Court shall fine older minor only for severe consequences of the misdemeanor or higher degree of responsibility for misdemeanor, if educational measure was not feasible.

(3) If the older minor does not pay the imposed fine, it will be enforced according to the Law on enforcement.

Imposing educational measures against adult misdemeanor offenders, which they have committed when they were minors

Article 36

(1) Educational measure, except the measure of strengthened supervision, can be imposed to a adult perpetrator up to 21 years of age for misdemeanor committed as a minor if regarding the misdemeanor, his/her personality and other circumstances make it feasible.

(2) If the minor becomes adult during the procedure, the misdemeanor procedure shall be stopped if it is not feasible to impose educational measure or fine to older minor.

Imposing of sanctions for an accumulated misdemeanor

Article 37

If the minor has committed more than one misdemeanor together, the court shall decide on all misdemeanors together and will impose single sanction.

Chapter six

MISDEMEANOR SANCTIONS AGAINST A LEGAL ENTITY

Types of misdemeanor sanctions against legal entities

Article 38

(1) The following sanctions can be imposed to legal entities:

- 1) fine and
- 2) temporary prohibition to perform certain activity.

(2) The fine shall be imposed in amount which cannot be less than 200 Euro in Denar value, nor more than 5000 Euro in Denar value.

(3) Fine in amount double than prescribed in paragraphs 1 and 2 of this article can be imposed for misdemeanors committed out of self-interest or misdemeanors causing larger property damage or proportionally to the amount of the damage or self-interest but not exceeding twenty times the fine provided in paragraph 2 of this article.

(4) The Law which prescribes the misdemeanor can prescribe fine in bigger amount than the amounts determined in paragraphs 2 and 3 of this article.

(5) For misdemeanors for which the fine is imposed on the spot, this Law cannot prescribe an amount which exceed 1000 Euro in Denar value.

(6) The decisions with which the measure of prohibition of certain activity is imposed to a legal entity, shall state the activity which is prohibited.

(7) The sanction temporary prohibition to perform certain activity by a legal entity shall be imposed if there is danger that by performing that activity, the legal entity can commit the misdemeanor which is dangerous for the life and health of the people or misdemeanor which can cause property damage to other legal entity or citizens or if the legal entity has been sanctioned for misdemeanor for similar or same misdemeanor within the last two years.

(8) The law that prescribes the misdemeanor can prescribe the mandatory imposition of prohibition to perform certain activity by legal entity.

(9) The court shall determine the duration of the sanction stipulated in paragraph 6 of this article, and it cannot be less than one nor more than five years, counting from the day of the effectiveness of the decision.

(10) The misdemeanor authority can impose the sanction stipulated in paragraph 6 of this article in duration not shorter than 3 and not longer than 30 days.

(11) The temporary prohibition to perform an activity cannot be imposed to legal entity founded by law or to a political party.

Measuring of the sanction

Article 39

(1) The Balance Sheet and the Income Statement of the legal entity, the level of the caused damages or the obtained gain, the type of activity and the nature and the severity of the committed misdemeanor, shall be taken into account during the measuring of the sanction..

(2) If the court i.e. misdemeanor authority determines a fine for two or more accumulated misdemeanors, the single fine shall be sum of the individual fines and it cannot exceed the legal maximum prescribed for legal entity.

Enforcement of the fine

Article 40

(1) If the convicted legal entity does not pay the fine within the determined deadline, which cannot be shorter than 8 days nor longer than 30 days, forced enforcement shall be performed.

(2) If the fine cannot be enforced from the property of the legal entity because the legal entity does not own such property or ceased to exist before the enforcement of the sanction, the sanction shall be enforced from the property of the founder or founders of the legal entity proportionally to the shares or in a company from the property of the share holders or owners proportionally to their shares.

(3) The fine imposed to foreign legal entities shall be enforced from the property confiscated in the Republic of Macedonia or through application of international agreement, from the property abroad.

Chapter seven

SPECIAL MISDEMEANOR MEASURES

Confiscation of property and property gains and confiscation of objects

Article 41

(1) The provisions on confiscation of property and property benefit and confiscation of items from the articles 97 to 100-a of the Criminal Code shall apply to confiscated property and property benefit obtained with misdemeanor by natural person.

(2) The provisions on the types of punishments for legal entities stipulated in article 96-a of the Criminal Code shall apply to confiscated property and property benefit obtained by misdemeanor by legal entity.

(3) The provision for the conditions for repossession of items shall apply to the repossession of items stipulated in article 100-a of the Criminal Code.

(4) from the special misdemeanor measures, the misdemeanor authority can use only the measure of confiscation of items.

(5) If the misdemeanor authority finds that the measures of confiscation of property and property benefit should be imposed for certain misdemeanor, it will submit a request for initiation of misdemeanor procedure before a court.

Chapter eight

STATUTE OF LIMITATIONS

Statute of limitations with respect to the instigation and implementation of a misdemeanor procedure

Article 42

(1) The misdemeanor's procedure cannot be commenced nor conducted if a year expires from the day when the misdemeanor has been committed.

(2) The obsolescence of the misdemeanor prosecution starts from the day when the misdemeanor was committed.

(3) The obsolescence does not run for the time for which according to the law, the prosecution cannot start and cannot continue.

(4) The obsolescence is ceased with every activity which is taken because of prosecution of the person who has committed the misdemeanor.

(5) The obsolescence is ceased also when the person who has committed the misdemeanor in the time, while term of the obsolescence is running, shall commit another difficult or more difficult misdemeanor.

(6) the obsolescence shall start to run again after every cessation.

(7) The misdemeanor prosecution always expires when double the time set forth in statute of limitations prescribed for obsolescence of the prosecution had expired.

(8) The law which sets forth the misdemeanor, can prescribe longer obsolescence deadlines than the ones stipulated in the paragraph 1 of this article, but not longer than five years.

Statute of limitations with respect to enforcement of misdemeanor sanctions

Article 43

(1) The imposed misdemeanor sanction cannot be enforced if one year had passed from the day of effectiveness of the decision on the misdemeanor.

(2) The obsolescence period of the enforcement of the misdemeanor sanction starts from the day of effectiveness of the decision on the misdemeanor.

(3) The obsolescence does not run in the time when the enforcement cannot be performed according to the Law.

(4) The obsolescence shall cease with any act by the relevant authority which is taken for enforcement of the misdemeanor sanction.

(5) The obsolescence period starts again after any caesurae.

(6) The misdemeanor sanction always expires when double the time set forth in statute of limitations prescribed for obsolescence of the enforcement had expired.

(7) The law that prescribes the misdemeanor can stipulate deadlines for statute of limitations of the enforcement longer than the deadlines stipulated in paragraph 1 of this article, but not longer than two years.

(8) The statute of limitations deadline, according to articles 16 and 17 of this law starts when the deadline for the last installment i.e. the deadline for the postponement has expired.

Chapter nine

MEANING OF THE TERMS IN THIS LAW

Article 44

(1) The term misdemeanor shall also include the acts which are envisaged in certain laws as economic violation.

(2) The term natural person shall also include the responsible person in the legal entity, sole proprietor, officer, military person and persons who performs individual activity.

(3) The term legal entity shall not include the Republic of Macedonia, the state authorities and the authorities of the units of local self-government.

(4) A Responsible person in the legal entity is the person within the legal entity, who regarding his/her function or special authorization entitled to perform certain activities regarding the enforcement of the legal regulations or regulations enacted based on a Law or general act of the legal entity in the management, use and disposition of the property, management of the production or other business process or supervision over them.

(5) An officer shall mean:

a) elected or named official in the Assembly of the Republic of Macedonia, in the Government, state authorities, courts and other authorities and organization within the rights and obligations of the Republic, in the local self-government and persons who perform official duty in those authorities and organizations permanently or temporarily;

b) authorized person in the legal entity with public authorizations, provided by law or other regulation based on law, in case when the duty is performed within the framework of those authorizations;

c) person performing official duties based on authorization provided by law or other regulations enacted based on law;

d) military person in case of misdemeanors where the perpetrator is marked as official; and

e) civil servant who performs professional, normative and legal, enforcement, supervision and management and administrative duties according to the Constitution and law.

(6) The term military person shall include: army officers and noncommissioned officers, soldiers who are doing their term, cadets of the Military Academy, persons who are attending trainings for officers and noncommissioned officers, army reservists of the Army of the Republic of

Macedonia while summoned to perform rights and duties in the field of the defense connected to the execution of the military obligation and civilians employed in the Army of the Republic of Macedonia.

(7) Person performing individual activity is the person who performs activity based on prescribed licenses or approvals.

(8) The term fine shall mean the Denar value of the Euro amount in the time of imposing the fine calculated in Denars without decimals.

(9) The term lighter misdemeanor shall mean misdemeanor for which the fine does not exceed 500 Euro in Denar value.

(10) The term damaged person shall mean a person whose right has been violated or endangered by a misdemeanor.

Chapter Ten

RECORD OF MISDEMEANOR SANCTIONS

Keeping records of misdemeanor sanctions

Article 45

(1) The records of the misdemeanor sanctions shall be kept only for the sanctions consisting of prohibitions, such as: prohibition to operate motor vehicle and prohibition to perform profession, activity or duty, eviction of foreign person from the country and temporary prohibition to perform certain activity.

(2) The records of the misdemeanor sanctions shall be kept by the first instance court according to place of birth of the perpetrator i.e. the headquarters of the legal entity.

(3) For the persons born abroad or for the ones with unknown place of birth and for the foreign legal entities, the sentence records shall be kept by the court determined by law.

(4) The data from the records of the misdemeanor sanctions can be provided by the court only upon explained request by other state authorities, legal entities and natural persons who may have legal interest if the prohibition measures are still in force.

(5) After the time for which they are imposed, the sanctions shall be deleted from the records of the misdemeanor sanctions.

Part Two

SETTLEMENT AND MEDIATION PROCEDURE

Chapter eleven

Aim of the settlement and mediation procedure

Article 46

(1) The aim of the settlement and mediation procedure is reaching consent by the perpetrators of the misdemeanors and the relevant authorities for removal of the harmful effects of the misdemeanor and prevention of recommitting of misdemeanors and avoiding misdemeanor procedure in front of the relevant court i.e. misdemeanor authority.

(2) The relevant state authorities authorized to commence misdemeanor procedure are obligated to propose the perpetrator of the misdemeanor a procedure for settlement before they file a request for commencement of misdemeanor procedure.

(3) The court, i.e. misdemeanor authority ex officio, takes care if a procedure for settlement has been started as well as of the conditions stipulated in paragraph 1 of this article are fulfilled, the court can return the request to the authority or can perform the procedure for settlement.

Actions within the settlement procedure

Article 47

(1) When the relevant authority for commencement of misdemeanor procedure finds that a misdemeanor occurred, it shall prepare minutes which shall contain the significant elements of the act from which the legal qualification of the misdemeanor comes, the time, place and manner of committing the misdemeanor, description of the act and persons found on the spot. The minutes shall be confirmed by the official and by the perpetrator.

(2) If, during the procedure, payment order had been issued to the perpetrator, it shall be noted in the minutes.

Mandatory procedure

Article 48

(1) When the officer will determine that a misdemeanor has been committed, he/she will serve to the perpetrator of the misdemeanor an invitation for payment of a fine, which should be paid within eight days from the service of the invitation.

(2) If the perpetrator fails to voluntarily pay the fine from paragraph 1 of this article, the officer will file a request for initiation of a misdemeanor procedure before the competent court or the misdemeanor authority.

Payment order

Article 49

(1) If the perpetrator confesses the offense with which he/she is charged or if the officer determines the misdemeanor in person or by using appropriate technical means and devices, the officer shall immediately issue a payment order.

(2) The payment order for a misdemeanor shall contain: personal name and address and the unique id number of the citizen, and in the case of foreigners, the number of the traveling document and the country, data on the employment of the perpetrator, data on the legal entity, name and headquarters and tax number, place and time when the misdemeanor was committed, legal qualification of the misdemeanor, amount of the fine, the account number for payment and a legal lesson, but it can also contain other data in accordance with the regulations.

(3) It shall be considered that the perpetrator of the misdemeanor, by signing that he/she has received the payment order, has agreed to pay the fine.

(4) The perpetrator shall be obligated to pay the fine specified in this article within eight days after he/she has received the payment order, on the account specified in the payment order. The perpetrator which shall pay the fine within the specified time period, shall pay only half of the amount specified as fine. The instructions about this right are a part of the legal lesson of the payment order.

(5) For the procedure which will end with the issuance of a payment order, no costs for the procedure shall be payable.

(6) The perpetrator who could leave the country to stay abroad and thus could avoid the payment of the fine, shall be obligated to pay the fine immediately. A receipt shall be issued for the paid fine.

(7) If the perpetrator fails to pay the fine within the time period specified in paragraph 4 of this article, then the officer shall file a request for initiation of a misdemeanor procedure before the competent court.

(8) The authority competent to initiate a misdemeanor procedure in the event stipulated in paragraph 1 of this article may temporarily cease the traveling document or drivers license until such time when a proof of payment of the fine is submitted, but not longer than 30 days.

Negative points

Article 50

(1) Regarding traffic and other misdemeanors where the law envisages that the competent authority is authorized, in the event of a misdemeanor, to register the negative points specified by law, the competent authority shall be obligated first to propose to the perpetrator of the misdemeanor to pay the envisaged fine or to have the negative points registered in an appropriate document specified by law.

(2) If the perpetrator fails to pay the fine envisaged for the misdemeanor, the negative points shall be registered in the documents specified by law.

(3) The competent authority shall invite the perpetrator of the misdemeanor to bring the documents for registration of negative points, within 30 days, at the address indicated in the document, and if the perpetrator fails to bring the document, a request is filed for initiation of a misdemeanor procedure.

(4) In the misdemeanor procedure a fine increased at least by one half of the fine which has been specified for that particular misdemeanor may be specified, as well as at most triple the amount of the originally prescribed sanction, but the amount can not be greater than the general maximum of fines specified in this law.

Mediation procedure

Article 51

(1) For certain misdemeanors, when so specified by law, the authority competent to initiate the procedure, shall propose to the perpetrator a procedure for mediation and agreement, whereby the perpetrator of the misdemeanor should either pay the fine, the other dues, or remove the consequences of the misdemeanor. The officer shall draft

minutes which shall stipulate the agreement of both parties and which shall be also signed by the perpetrator of the misdemeanor.

(2) The officer shall submit the minutes within three days to the mediation commission.

(3) The mediation procedure is urgent.

(4) The mediation procedure shall be conducted by a special mediation commission within the framework of the competent authority, on the basis of minutes and tariff lists.

(5) If the mediation procedure succeeds within eight days, the agreement with the perpetrator of the misdemeanor is signed, whereby, among other elements of the agreement, the fine may be reduced by one half. If the mediation procedure fails, the competent authority shall file a request for initiation of a misdemeanor procedure, where the perpetrator of the misdemeanor shall state the costs of the mediation procedure.

Mediation procedure involving minor misdemeanor offenders

Article 52

(1) If the offender is a minor, the authority competent to initiate the procedure shall assess all circumstances which have influenced the misdemeanor and may decide not to initiate the procedure.

(2) The competent authority may verbally warn the minor in the presence of a parent or a guardian and to inform the Center for Social Work about that.

(3) The authority competent for initiation of the procedure may agree with the family of the minor to have the circumstances of the misdemeanor removed within a specified time period which can not be longer than 30 days, and failing that a misdemeanor procedure shall be initiated.

(4) The misdemeanor procedure shall not be initiated if the parents, or the guardians of the minor agree to pay the fine.

(5) Minutes shall be prepared for the mediation, and these minutes shall be submitted to the Center for Social Works.

Part Three

MISDEMEANOR PROCEDURE

Chapter Twelve

BASIC PROVISIONS

Misdemeanor competence

Article 53

(1) The misdemeanor procedure can be conducted, and a misdemeanor sanction can be imposed only by a competent court.

(2) For certain types of misdemeanors, specified by law, the misdemeanor procedure can be conducted, and the misdemeanor sanction can be imposed by a state administration authority or organization or other body which performs public authorizations of supervision over the implementation of laws which regulate misdemeanors.

(3) Court protection shall be guaranteed against the final misdemeanor decision passed by the authorities stipulated in paragraph 2 of this article.

(4) All state authorities and the holders of public authorizations, shall be obligated to provide to the courts and the authorities stipulated in paragraph 2 of this article, free of charge, the assistance and data necessary to determine the facts with respect to the procedure for sanction enforcement.

Competence of the misdemeanor authority

Article 54

(1) The misdemeanor authority shall conduct the misdemeanor procedure when the law specifies that this authority shall have exclusive competence to act.

(2) As an exception from paragraph 1 of this article, the misdemeanor authority shall be competent to act with respect to all misdemeanors:

- for which a fine with a specifically determined amount, has been specified
- for which a fine amounting to the denar equivalent of 500 euros, has been specified for a natural person;
- for which a fine amounting to the denar equivalent of 1000 euros, has been specified for a legal entity; and
- for which the law prescribes specification of a fine on the spot.

Conflict of competences

Article 55

Any conflict of competences between the court and the misdemeanor authority shall be decided by the court competent to decide in administrative disputes.

Immunity

Article 56

The misdemeanor procedure shall not be instigated against a person enjoying diplomatic immunity.

Decision

Article 57

The decision regarding a misdemeanor and imposition of a misdemeanor sanction shall be made by the court or the misdemeanor authority and the legal instruments specified in this law shall be allowed against this decision.

Costs of the procedure

Article 58

Costs of the procedure shall be expenses which will occur in the misdemeanor procedure or because of the misdemeanor procedure, with respect to the provision of the necessary evidence and the keeping of confiscated and ceased objects before the initiation of the procedure.

Chapter Thirteen

MISDEMEANOR PROCEDURE BEFORE A MISDEMEANOR AUTHORITY

Authorization for conducting the procedure

Article 59

(1) The procedure before the misdemeanor authority shall be conducted by a Commission deciding on misdemeanors, specified by law or by other regulation.

(2) The members of the Commission stipulated in paragraph 1 of this article shall be authorized officers with an appropriate level of professional background and necessary work experience and at least one of the members shall be a graduated lawyer who has passed the bar exam.

Instigation of the misdemeanor procedure

Article 60

(1) The misdemeanor authority shall initiate the misdemeanor procedure ex-officio, upon a request from an authorized officer or upon a request from the authorized body stipulated in article 80 of this law and the damaged party (hereinafter in the text: submitter of the request).

(2) The request for initiation of the misdemeanor procedure shall contain the data stipulated in article 81 of this law.

(3) The request shall be submitted to the authorized misdemeanor authority. If the request had been submitted to another authority, this authority shall immediately forward the request to the misdemeanor authority and shall inform the submitter of the request thereof.

Decision on the request for implementation of a misdemeanor procedure

Article 61

(1) The misdemeanor authority, after determining the conditions for instigating a misdemeanor procedure ex-officio or after the receipt of the request stipulated in article 60 of this law, shall additionally acquire information and evidence about the misdemeanor.

(2) If the misdemeanor authority determines that there exist legal conditions for instigating a misdemeanor procedure, it shall be obligated to implement the procedure and to pass a decision about the misdemeanor.

(3) If the procedure is not within the competence of a misdemeanor authority the misdemeanor authority shall be obligated to submit a request for initiating a misdemeanor procedure, to the competent court.

(4) The misdemeanor authority shall not pass a decision about the misdemeanor, and it shall not submit a request for initiating a misdemeanor procedure to the competent court, if it determines that the conditions stipulated in article 84, paragraph 2 of this law, have been fulfilled.

(5) The decisions from paragraph 4 of this article and the pertaining reasons shall be recorded in the file.

(6) The misdemeanor authority shall be obligated, within 30 days, to inform, in writing, the submitter of the request about the decision not to pass a decision about the misdemeanor or the decision not to submit a request for initiation of the misdemeanor procedure to the competent court, as well as the reasons for that decision.

Urgent procedure

Article 62

(1) The misdemeanors shall be decided upon in an urgent procedure, unless otherwise specified by law.

(2) The urgent procedure shall not be allowed:

- if the misdemeanor involved a bodily injury;
- if for the misdemeanor, in addition to a fine, the law prescribes also a sanction prohibiting operation of a motor vehicle, prohibiting the performance of a profession, activity or duty or temporarily prohibiting the performance of a certain activity;
- if the misdemeanor requires a decision on a property claim; and
- in other cases specified by law.

Procedure before a misdemeanor authority

Article 63

(1) The misdemeanor authority shall, ex-officio, without delay, acquire the evidence and determine the factual situation necessary in order to make a decision about the misdemeanor.

(2) The misdemeanor authority, before passing the decision on the misdemeanor, shall inform the perpetrator and shall instruct the perpetrator that within 3 days he/she may express him/herself, in writing about the facts and evidence.

Contents of the decision

Article 64

(1) The misdemeanor decision must have an introduction, sentencing and an explanation.

(2) The introduction of the misdemeanor decision shall contain the name of the misdemeanor authority who passed the decision, first and last name

of the members of the Commission stipulated in article 59 of this law, first and last name of the perpetrator and the attorney, first and last name of the responsible person within the legal entity, the firm or name and headquarters of the responsible legal entity and the misdemeanor which is subject to the procedure.

(3) The sentencing section of the misdemeanor decision must contain the personal information on the perpetrator, the responsible person within the legal entity, factual description of the misdemeanor, the fact that the perpetrator committed the misdemeanor, the sentence being pronounced or the fact that the procedure is stopped, as well as a warning that the unpaid fine shall be collected coercively.

(4) In the explanation of the misdemeanor decision shall, the misdemeanor authority shall indicate the evidence and the circumstances on the basis of which it made its decision.

(5) The misdemeanor procedure must also have an instruction about the right to a court protection.

Warning

Article 65

(1) The misdemeanor authority may, instead of fining the perpetrator for a less severe misdemeanor, issue a warning to the perpetrator on the basis of article 19 of this law.

(2) The misdemeanor authority may keep record of the warnings issued.

Appropriate application of the law

Article 66

The misdemeanor authority, when conducting the misdemeanor procedure, shall appropriately apply the provisions of the Law on General Administrative Procedure, unless otherwise regulated by this law or by the law prescribing the misdemeanor.

Chapter fourteen

COURT PROTECTION

Right to initiate an administrative dispute

Article 67

(1) Against the misdemeanor decision passed by the misdemeanor authority, a complaint may be filed for instigation of an administrative dispute. The complaint may be filed by the person (natural or legal entity) against which the sanction was imposed, its legal representative or attorney, the damaged party and its legal representative and the owner of the objects confiscated in the misdemeanor procedure.

(2) The complaint stipulated in paragraph 1 of this article shall suspend the enforcement of the decision for payment of the fine, unless the fine imposed with the decision and the costs of the procedure do not exceed the denar equivalent of 100 euros for a natural person, the denar equivalent of 500 euros for the responsible person within the legal entity, the officer or a sole proprietor and the denar equivalent of 1000 euros for a legal entity.

(3) Upon a proposal of the prosecutor, submitted together with the complaint, the court, competent to decide the administrative dispute, shall pass a separate decision delaying the enforcement of the decision stipulated in paragraph 2 of this article until it becomes legally effective, if the submitter of the complaint proves that the enforcement will cause an irretrievable damage.

(4) The court competent to decide the administrative dispute, shall conduct the court protection procedure in accordance with the Law on Administrative Disputes.

Deadline for submitting of a complaint and competence

Article 68

(1) The complaint stipulated in article 67 of this law shall be submitted within a period of eight days from the day of submission of the misdemeanor decision.

(2) The complaint shall be decided by the court competent to decide administrative disputes.

Reasons for submitting a complaint

Article 69

The decision of the misdemeanor authority may be contested by a complaint:

- if the decision has caused the violation of a substantive provision of a law prescribing the misdemeanor;

- if the provisions of the procedure have been violated because the decision was not made by a competent authority or if the decision does not contain all the necessary elements;
- due to wrongfully and incompletely determined factual situation, where by the complaint may contain new facts and propose new evidence only if the plaintiff makes probable that without a fault of its own, he/she was not able to propose such facts and evidence during the procedure.
- due to the amount of the imposed fine if such circumstances have arisen that will enable the application of articles 28 and 31 of this law; and
- due to the imposed sanctions, confiscation of objects and costs of the procedure.

Chapter fifteen

COURT PROCEDURE

GENERAL PROVISIONS

Real competence

Article 70

The misdemeanor procedure in the first instance court shall be conducted by an individual judge, and the procedure due to legal remedies shall be conducted by a council of three judges.

Chapter sixteen

DEFENDANT AND HIS/HER RIGHT TO A DEFENSE

Defendant

Article 71

(1) The defendant shall be a natural person or a legal entity against which a misdemeanor procedure has been initiated.

(2) If a legal entity and the responsible person in the legal entity have been charged with a misdemeanor, then a single procedure shall be conducted.

Representation of a legal entity

Article 72

(1) The legal representative shall participate in the procedure on behalf of the legal entity charged with a misdemeanor. The representative shall be authorized to undertake all actions that could be undertaken by the defendant in accordance with this law.

(2) The representative of the charged legal entity shall be a person authorized to represent the legal entity based on law or another regulation of a competent state authority, statute or other general act of the legal entity.

(3) When the legal entity has been established by a single founder, then this person shall be considered as a responsible person and a representative of the legal entity.

(4) The competent authority of the charged legal entity may specify, as a representative, another person employed within that legal entity.

(5) The representative of the charged legal entity stipulated in paragraph 4 of this article, must have a written authorization from the competent authority which has specified him/her as a representative.

(6) A representative of the charged legal entity may be only one person.

Representation of a foreign legal entity

Article 73

The foreign legal entity shall be represented by the head of the branch office, or the representative office or another person authorized by the foreign legal entity.

Limitations to representation

Article 74

(1) A representative of the charged legal entity, except the person stipulated in article 72, paragraph 3 of this law, may not be the responsible person within the legal entity against which a misdemeanor procedure has been instigated for the same misdemeanor.

(2) A representative of the legal entity may not be a person which is a witness in the same matter.

(3) In the cases stipulated in paragraphs 1 and 2 of this article, the court is obligated to notify the legal entity for the purposes of appointing a different representative.

(4) With regard to the foreign legal entity, the notification from article 3 of this article shall be submitted to the branch office, or the representative office of the foreign legal entity.

Chapter Seventeen

THE DAMAGED PARTY AND HIS/HER REPRESENTATION

The damaged party and his/her representation

Article 75

(1) A damaged party, within the meaning of this law shall be a person whose right has been violated or threatened with the misdemeanor.

(2) The damaged party shall in its own right, or through his/her legal representative, have the right to:

1. file a request for initiation of a misdemeanor procedure;
2. file evidence, give proposals and state property claims for compensation of damages or return of objects;
3. file an appeal to the decision made with regard to his/her request for initiation of a misdemeanor procedure or with regard to the decision on the costs in the procedure; and
4. to forfeit the request for the implementation of the misdemeanor procedure, until the making of the decision about the misdemeanor, and in that case he/she shall have no right to resubmit a request for initiation of a misdemeanor procedure.

(3) The court shall accept the request from the damaged party to initiate a misdemeanor procedure, if it is accompanied by a written request to the competent authority, with evidence that he/she has reported the misdemeanor and has requested the competent authority to act upon the request and if, within a time period of 30 days from filing such a request, he/she has not received any response or has received a negative response from the competent authority.

(4) The court shall dismiss the request from the damaged party if the conditions stipulated in paragraph 3 of this article do not exist.

(5) If the court, in a procedure initiated by the damaged party, determines that a misdemeanor has been committed and that the competent authority, without justification, has failed to submit a request for

initiation of a misdemeanor procedure, it will inform thereof the competent authority where officer is employed, as well as Ombudsman.

Chapter eighteen

ATTORNEY

Revocation of the authorization of the defender

Article 76

The defendant who will receive a proper summons for a hearing, may revoke the authorization provided to his/her attorney, no later than three days before the start of the hearing.

Cancellation of the authorization by the attorney

Article 65

(1) The attorney may cancel the authorization provided by the defendant, no later than three days before the start of the hearing, for which he/she will inform the court, or alternatively the attorney shall be obligated to secure the presence of another attorney on the hearing.

(2) If the attorney, fails to inform the court of the cancellation of the authorization, within the time period stipulated in paragraph 1 of this article, the court may impose a fine in the amount of up to 50.000,00 denars.

Chapter nineteen

SERVICE OF PROCESS

Service of process to natural persons

Article 78

(1) When the service of writs is performed by a court courier, the writ shall be handed directly to the person to whom it is addressed. If the courier fails to find such a person, he/she shall leave a notification with an adult person who happens to be in the house or to a different person who

agrees to receive it, stipulating that the writ should be obtained from the court. If the person does not come to the court to get the writ, the writ shall be considered to have been properly served.

(2) When service of process is performed through the mail, the mailman shall leave a notification at the home of the defendant that he/she should get the writ from the post office, and failing that the writ shall be considered to have been properly served.

(3) The service of process may be performed by engaging another special agency for service of process.

Service of process to legal entities

Article 79

(1) Decisions and other writs shall be served to the state authority by handing them to the archives of the authority.

(2) The service of process to legal entities shall be performed by handing the writ to the person authorized to receive writs or to the employee who happened to be in the business premises.

(3) When decisions are served which stipulate a deadline which begins to run from the day to service, the day of service shall mean the day when the writ has been handed in the intake office of the authority or to the person stipulated in paragraph 2 of this article.

(4) The summons and other writs, as well as the decision shall be served to the address of the registered headquarters of the legal entity, or the address of the representative of the legal entity. If during the procedure, the legal entity has changed its headquarters, it shall be obligated, within three days, to inform the court about the new headquarters and address, otherwise any service performed at the previous address shall be considered to have been properly performed.

(5) The decision with which a sanction is imposed on a legal entity, shall be served to the representative of the legal entity in person. If the personal service fails, a proper service shall be considered the service performed through registered mail at the address of the legal entity where its headquarters is registered or to the address of the representative of the legal entity.

Chapter twenty

REQUEST FOR A MISDEMEANOR PROCEDURE

Submitter of the request

Article 80

- (1) The misdemeanor procedure shall be instigated upon a request from the authorized authority and the damaged party (hereinafter in the text: submitter of the request).
- (2) Authorized authorities, within the meaning of paragraph 1 of this article shall be the administrative authorities, the public prosecutor, the units of the local self government and other authorities and organizations which perform public authorizations and whose competence includes direct enforcement or supervision over the enforcement of the regulations which stipulate misdemeanors.
- (3) The authorized authorities stipulated in paragraph 2 shall be obligated to submit a request for instigation of a misdemeanor procedure always when there are grounds to suspect that a misdemeanor has been committed.
- (4) The request to instigate a misdemeanor procedure shall be filed in writing, in a sufficient number of copies for the court and the person against whom the misdemeanor procedure has been instigated.

Content of the request

Article 81

- (1) The request for instigation of a misdemeanor procedure shall contain:
 1. basic data about the identity of the offender (name and last name, nick name, unique identification number of the citizen (hereinafter in the text: UIDNC), place and date of birth, place of living, street and number, address of the temporary place of stay, occupation, citizenship, if the natural person is a foreigner, than the number of the traveling document shall be given instead of the UIDNC) and for a legal entity: name and headquarters of the offending legal entity, gyro account, tax number and deposit bank, and for the responsible person within the legal entity, the function that this person performs within the legal entity shall also be given;

2. factual description of the misdemeanor showing the legal characteristics of the misdemeanor, time and place where the misdemeanor was committed and other circumstances necessary to closely define the misdemeanor;
 3. legal qualification of the misdemeanor that should be applied;
 4. evidence that should be disclosed; and
 5. signature of the submitter of the request.
- (2) When the request for instigation of a misdemeanor procedure is submitted by the damaged party, the request need not contain a legal qualification of the misdemeanor.
 - (3) Together with the request for instigation of a misdemeanor procedure, the damaged party may also submit a request for compensation of damages.
 - (4) The request shall be accompanied by the evidence.
 - (5) If it is not possible to determine the identity of the perpetrator of the misdemeanor, the request, instead of personal data, shall contain the description of the person and photograph or other fixture and all other data for the determination of the identity of the person being referred for detention in the transit center.

Misdemeanor about which the court has found out during the procedure

Article 82

If the court during the procedure finds out about a misdemeanor for which a request has not been submitted by the authorized authority, it shall inform the authority thereof.

Additions to the request

Article 83

- (1) If the request for instigation of the misdemeanor procedure does not contain all of the data stipulated in article 80 of this law, the submitter of the request shall be asked to augment the request within a time period which may not be longer than fifteen days. If

the submitter of the request failed to remove the deficiencies within the specified time period, he/she shall be considered to have given up the request and such a request shall be dismissed.

Rejection of the request

Article 84

- (1) If the court determines that there do not exist conditions to instigate a misdemeanor procedure, it shall issue a decision dismissing the request.
- (2) There do not exist conditions to instigate a misdemeanor procedure in the following cases:
 1. if the activity described in the request is not a misdemeanor;
 2. if there exist conditions which remove the responsibility of a misdemeanor;
 3. if the statute of limitations have occurred with reference to the instigation of the misdemeanor procedure;
 4. if the request was submitted by an unauthorized submitter or person;
 5. if there exist other legal obstacles due to which the misdemeanor procedure can not be instigated;
 6. if the request is not supported by evidence of a committed misdemeanor;
 7. if the request does not contain the necessary data stipulated in article 81
- (3) The decision stipulated in paragraph 1 shall be submitted to the submitter of the request, and the damaged shall be informed that the property claim may be sought through a civil procedure.
- (4) Against the decision stipulated in paragraph 1 the submitter shall be allowed to file an appeal within eight days to the appellate court.

Joining and separation of the procedure

Article 85

- (1) If the defendant, with one activity or multiple activities, commits multiple misdemeanors, for which a judgment has not been passed, and the same court is competent for all judgments, as a rule, one procedure shall be conducted and one misdemeanor judgment shall be passed. One procedure, as a rule, shall be also conducted against a legal entity and responsible person, against a

defendant, accomplice, supporter and helper, except if there exist legal conditions for the procedure to be conducted against only one of them.

- (2) Until the passage of a misdemeanor judgment, due to justified reasons or due to purposefulness, the court may decide to separate the procedure for specific misdemeanors or against specific defendants, accomplices, supporters or helpers, from the one and only procedure, and have this procedure finished separately.
- (3) For the joining and the separation of the procedure the court shall pass a decision against which an appeal shall not be allowed.

Instigation of a misdemeanor procedure

Article 86

- (1) If the court does not pass a decision to dismiss the request the court shall be obligated to schedule a hearing and to inform the defendant thereof.
- (2) The court, together with the summons for interrogation shall submit to the defendant a proposal for a settlement procedure and mediation in accordance with article 46 of this law and a payment order.

Deciding about the request

Article 87

- (1) In the summons to the defendant, the court shall instruct the defendant that if he/she pays the fine or if a mediation and settlement procedure is conducted, a judgment for suspension of the procedure will be passed. If the fine has not been fixed, the court shall determine the fine as a minimal amount specified by law increased by one tenth.
- (2) The defendant is obligated to submit evidence no later than the day of the interrogation showing that the mediation or settlement procedure was successful or that he/she paid the fine and this shall be recorded in the minutes.
- (3) Against the judgment stipulated in paragraph 1 of this article, the party shall not have the right to an appeal.

Chapter twenty one

MEASURES TO ENSURE THE PRESENCE OF THE DEFENDANT AND THE IMPLEMENTATION OF THE MISDEMEANOR PROCEDURE

Types of measures

Article 88

Measures which can be undertaken with respect to the defendant in order to secure his/her presence and to conduct the procedure are: summoning, arrest, detention, guarantee and temporary confiscation of the traveling documents of a foreigner are detention of a foreigner in a transit center.

Summons

Article 89

(1) The presence of the defendant on a hearing in the misdemeanor procedure shall be secured through a summons. The summons shall be sent by the court which conducts the misdemeanor procedure.

(2) With the summons, the defendant will be notified about the charges and that he/she is obligated to appear personally or provide the defense in writing. The defendant who is invited to appear personally, will be warned that his/her arrest will be ordered if he/she fails to appear in court in accordance with the summons. If, in order to make a proper decision, the defendant does not need to be heard, he/she, in the summons, will be warned that the decision on the misdemeanor will be made without a hearing, if he/she fails to appear as per the summons.

(3) The summons must be accompanied by a copy of the request for misdemeanor procedure and evidence.

(4) Together with the summons, the court shall submit a payment order, which shall obligate the defendant to pay the fine within eight days and to submit to the court a proof that he/she has paid the fine.

(5) The perpetrator will be warned that if he/she does not pay the payment order, the procedure shall continue before the courts.

Arrest

Article 90

(1) If the properly summoned defendant does not appear in court, and does not justify his/her nonappearance, or if was impossible to properly serve the summons, and from the circumstances it is evident that the defendant eludes, and if his/her presence is necessary in order to make a proper decision, a measure of arrest shall be determined. Arrest can be determined only if, in the summons, the defendant has been instructed that he/she is obligated to appear personally.

(2) The arrest shall be specified in writing. The order for the arrest shall contain the first and the last name of the defendant which needs to be arrested, the date of birth, the place of stay of the defendant, the case for which the arrest is specified and the reason for specifying the arrest. The order must have a stamp and a signature of the judge who ordered the arrest.

Guarantee

Article 91

(1) When the misdemeanor procedure has been initiated against a defendant who does not live permanently in the Republic of Macedonia and who wants to live the Republic of Macedonia before the completion of the procedure, upon his/her request the court may allow that such a defendant provides a guarantee as security for the fulfillment of the obligations which may be specified in the decision on the misdemeanor.

(2) The court may request the defendant, in addition to the provision of the guarantee, to specify an authorized agent who, on his/her behalf, will receive the writs and will represent him/her in the procedure in the subject of the case relates to property rights.

(3) The guarantee may not be determined before hearing the defendant.

(4) The guarantee shall always specify a monetary amount which shall be determined according to the severity of the misdemeanor, the level of the damages caused, the personal or family conditions of the defendant and considering the state of wellbeing of the person providing the guarantee. The guarantee shall consist of payment of cash money, securities, jewels or other movable objects of higher value which may be turned into money or kept.

(5) If the procedure has been stopped with a decision, the provided guarantee will be returned.

(6) If the perpetrator of the misdemeanor, after the legal effectiveness of the decision on a misdemeanor, fails to pay the specified fine, or to compensate the caused damages, the acquired property gains and the costs for the procedure, the specified fine, the caused damages, the acquired property gains and the costs for the procedure shall be deducted from the provided guarantee and the whatever is left over shall be returned.

(7) Regarding the provision of the guarantee and the return of the guarantee the court shall pass a separate decision.

Detention

Article 92

(1) If there is a reasonable doubt that the defendant has committed a misdemeanor, until such time when the decision on the misdemeanor is made, the court may order detention, if it is impossible to determine his/her identity or if he/she does not have a place of staying in the Republic of Macedonia, and there is a reasonable doubt that the misdemeanor will be repeated or that he/she will escape or if, by leaving the country in order to stay abroad, he/she can avoid the responsibility for the misdemeanor.

(2) The detained defendant has the right to be immediately informed, in his/her mother tongue or the language which he/she understands, about the reasons for the detention, as well as to be instructed that he/she is not obligated to state anything, that he/she has the right to an immediate legal aid by an attorney which the defendant may freely choose and that the competent authority, upon his/her request, is obligated to inform about the detention the defendant's closest relatives, or his/her employer, and, in the event of a foreign citizen, upon a request of the defendant, to inform the diplomatic representative office of the country of the defendant. The defendant, immediately, and at most within six hours, must be given a written decision about the reasons for the detention with legal instructions. During the detention, the defendant shall have the right to an appeal against the decision, which shall not suspend the detention. The appeal on the legality of the detention, shall be decided by the second instance court within 48 hours.

(3) The detention may last at most 12 hours from the hour when the defendant had been detained. During this time the defendant should be heard and a decision should be made about the misdemeanor or the defendant should be released.

(4) Regarding the detention of the defendant, the provision from the Law on Criminal Procedure related to detention, shall apply accordingly, unless otherwise stipulated by this law.

Detention of a foreigner in a transit center

Article 93

(1) If the perpetrator of the misdemeanor is a foreigner whose identity can not be determined, the court shall immediately order a measure of detention in a transit center.

(2) With a decision, the detention of a foreigner may last up to 30 days, and the court may extend it for another 30 days.

(3) Against the decision, the foreigner shall have a right to an appeal to the second instance court within 48 hours from the time he/she has been detained in the transit center. The appeal does not delay the enforcement of the decision.

(4) When the court shall order detention of a foreigner in a transit center, it shall inform the Ministry of Internal Affairs and shall charge that authority to undertake measures to determine the identity of the foreigner.

(5) The court shall pass a decision terminating the detention immediately after obtaining the data on the identity.

(6) The accommodation in the transit center shall be regulated with a separate law.

Detention of persons under the influence of alcohol or other psycho active substances

Article 94

(1) The ministry of the interior may order the detention of a perpetrator who, under the influence of alcohol or other psycho active substances has been found while committing a misdemeanor, if there is threat that the defendant will continue to commit misdemeanors in the future, and if there are no conditions to immediately transfer him/her to the health care institution. The detention may last at most 8 hours. The costs for the stay shall be covered by the perpetrator of the misdemeanor.

(2) For every detention, the Ministry of Internal Affairs shall prepare minutes which shall stipulate the measures that have been undertaken and, if medical measures have been undertaken, the minutes shall also stipulate the medical measures. A copy to the minutes shall be submitted to the detained person.

(3) A person under the influence of alcohol or other psychoactive substances shall mean a person who has been found, in accordance with the law, using technical devices or means or if the appearance, behavior, psychophysical state and other circumstances imply that this person is not capable of controlling his/her actions.

Arresting of persons caught during the act of misdemeanor

Article 95

(1) The Ministry of the Interior, even without an order of the court may attest a person caught committing a misdemeanor. This may be done if it is impossible to determine the identity of the perpetrator, or if he/she does not have a place of stay, or if, by leaving the country in order to stay abroad, he/she could avoid responsibility for the misdemeanor, or if there are circumstances which lead to a reasonable doubt that the perpetrator may continue committing the misdemeanor, or that he/she may repeat it.

(2) If in the case stipulated in paragraph 1 of this article, the perpetrator is caught committing a misdemeanor during a period of time when the court does not work or if there exist circumstances that he/she will escape or will continue to commit the misdemeanor or will repeat the misdemeanor, an authorized officer may detain the defendant. The detention lasts until it is possible to bring the defendant before the competent court, but not more than 12 hours.

(3) The detained defendant must be immediately informed, in his/her mother tongue or in a language which he/she understands, about the reasons for the detention, and he/she must be instructed that he/she is not obligated to state anything, that he/she has the right to an immediate legal aid by an attorney of his/her own choosing and that, upon his/her request, the competent authority is obligated to inform his/her closest relatives about the detention.

Notification about detention for purposes of the arrest

Article 96

(1) The court, or the Ministry of the Interior, which ordered the detention, upon a request from the detained person, shall be obligated to inform the family of the detained person about the detention. Upon a request from the detained person, information about the detention shall be given to his/her employee, or the diplomatic representative office of a

foreign country, if there is a need to undertake measures for protection and care of the children and other members of the family, under the care of the detained person, as well as the competent center for social work.

(2) With regard to the detention of a military person, the military unit, or the command unit where the military person belongs, shall be informed ex-officio.

Calculation of the time of the detention

Article 97

(1) The time during which the suspect or the defendant has been detained before the decision on the misdemeanor was passed, shall be calculated in the fine. Every begun hour of detention shall be calculated as the denar equivalent of 1 euro.

(2) The defendant who during the criminal procedure was detained, the time of detention shall be calculated in the fine specified for a misdemeanor, if the defendant was not convicted for the crime, and if for the same offense a fine has been specified in the misdemeanor procedure, whereby one day of detention shall account for at least 5 fines.

Chapter twenty two

PROVING

Confession of a misdemeanor

Article 98

If the defendant confesses the misdemeanor and the confession is clear and complete, the court does not need to collect further evidence.

Hearing of witnesses

Article 99

The witness will be heard by the court before which the misdemeanor procedure is implemented, except if the witness does not live in the area of the court. In that case the hearing will be done by the court in whose area the witness lives.

Chapter Twenty three

TERMINATION OF THE PROCEDURE AND DISMISSAL OF THE REQUEST FOR MISDEMEANOR

Termination of the procedure

Article 100

(1) The court conducting the procedure, shall pass a decision terminating the procedure:

1. if it can not determine the place of living or the place of stay of the defendant or if the defendant is a fugitive or if for any reason is unavailable to the state authorities or if he/she is located abroad for an undetermined period of time;

2. if the defendant started suffering from a temporary mental illness or a mental disorder;

3. if for the same offence, a criminal procedure has been initiated, the misdemeanor procedure shall be terminated until the completion of the criminal procedure; and

4. the procedure which is terminated according to item 3 of paragraph 1 of this article, shall continue when the criminal procedure has been stopped on some other basis and if the conditions for implementing a misdemeanor procedure still exist.

(2) Before passing a decision to interrupt the misdemeanor procedure, all of the evidence about the misdemeanor and the responsibility of the defendant, which are possible to obtain, shall be collected.

(3) The interrupted procedure shall continue when the reasons for this cease to exist.

(4) The court shall inform the submitter of the request about the interruption and continuation of the procedure.

Dismissal of the request for instigating a misdemeanor procedure

Article 101

(1) The court conducting the misdemeanor procedure shall pass a decision rejecting the request, if the defendant dies, pays the fine and executes the payment order.

(2) The submitter of the request can file an appeal against the decision.

(3) When the request has been dismissed with a decision, the costs shall be covered by the court budget of the Republic of Macedonia.

Chapter Twenty four

TEMPORARY CONFISCATION OF OBJECTS, TEMPORARY MEASURES AND TEMPORARY BANS

Procedure for confiscation

Article 102

(1) The objects which may be confiscated in accordance to article 41 of this law, can also be temporarily confiscated before the passing of the decision on the misdemeanor.

(2) The temporary confiscation of the objects shall be specified in a written order by the court conducting the misdemeanor procedure. The transcript from that order must be provided to the person from which the object are confiscated.

(3) The person from which objects are temporarily confiscated, shall be issued a receipt with a precise indication and description of the confiscated objects.

(4) If the object is easily damageable or if the storage of the object requires unreasonable costs, and if it can not be given for storage to a third party at the expense of the person from which the object has been confiscated, the court which is competent to conduct the misdemeanor procedure shall order such an object to be sold and the money from the sold objects shall be deposited on the account of the court.

(5) The sale shall be made in accordance with the provisions of the Law on Enforcement of Sanctions.

Temporary confiscation by other authorities

Article 103

(1) The law may authorize officers in the state administration authorities or organizations and other bodies which perform public authorizations of supervisions over the implementation of laws, to temporarily confiscate the objects stipulated in article 41 of this law, when, during the performance of their duty, they will find out about the misdemeanors, and they shall also be obligated to immediately transfer the temporarily confiscated objects to the competent court, or to inform about the temporary confiscation of the objects and keep such objects until the initiation of the misdemeanor procedure.

(2) The authorities stipulated in paragraph 1 of this article, shall be obligated to immediately file a request for initiation of the misdemeanor procedure, within at most 15 days from the day when the objects were confiscated, otherwise they shall be obligated to return the objects to the person from which they have been confiscated, with the exception of objects whose marketing is prohibited.

Temporary return to the owner

Article 104

The court conducting the misdemeanor procedure may, upon an objection from an interested party or ex-officio, return the temporarily confiscated objects to the owner before the decision on the misdemeanor is passed.

Confiscation of objects after the completion of the misdemeanor procedure

Article 105

The temporarily confiscated objects shall be confiscated with a decision of the court, in accordance with these provisions, before the completion of the misdemeanor procedure, and in accordance with the provisions of the Law on Criminal Procedure, after the completion of the misdemeanor procedure.

Temporary freezing of transactions and blockage of bank accounts

Article 106

With respect to the temporary freezing of transactions and blocking of the bank accounts, the provision from the Law of Criminal Procedure shall apply.

Temporary prohibitions by other authorities

Article 107

(1) Authorized officers in the state administration authorities or organizations or other bodies which perform public authorizations of supervision over the implementation of laws, may, in the events regulated with a separate law, temporarily ban the perpetrator of the misdemeanor from performing the activity where the misdemeanor has been committed if there is a threat of having the misdemeanor repeated or having the consequences of the misdemeanor removed, and they shall be also obligated to immediately file a request for initiation of a misdemeanor procedure, within at most 15 days.

(2) If such a request is not filed within the time period specified in paragraph 1 of this article, the temporary ban shall be considered to have ceased to apply.

Reversal of the temporary prohibition by the court

Article 108

(1) The court conducting the misdemeanor procedure, may, upon an objection from the defendant or ex officio, reverse the temporary prohibition for performance of the activity.

(2) The court shall pass a decision reversing the temporary prohibition, if the perpetrator removes the consequences, or pays the costs, but no later than within three months.

Chapter Twenty Five
COURSE OF THE PROCEDURE
Abridged procedure

Article 109

- (1) An abridged procedure shall be conducted in the following cases:
 - 1) if the request for instigating a misdemeanor procedure contains all of the facts and evidence on the basis of which the court may decide without the presence of a party;
 - 2) if the request for instigating the procedure is based on public documents issued by competent state authorities; and
 - 3) if the perpetrator has been found committing the misdemeanor by an authorized official;
- (2) In the abridged procedure the court decides without interrogating the defendant if he/she has been properly summoned but does not appear.

The defendant and his/her right to a defense

Article 110

If the defendant appears on the interrogation for the purpose of verification of his/her defense and allegations in the submitted request for instigating a misdemeanor procedure, the court may summon and interrogate witnesses and experts and have their statements entered in the record.

Permanent session of the court

Article 111

- (1) For the purposes of the swiftness of the procedure, the court shall provide for a continuous work within 24 hours.
- (2) The schedule for work of the court shall specify a judge on duty and a court assistant during the entire day, non-work day and holidays.

Urgency of the procedure

Article 112

If the defendant is a foreigner, the court shall decide in an urgent procedure within the shortest possible time, but this time shall not exceed three days.

Hearing

Article 113

- (1) The court conducting the misdemeanor procedure shall determine a verbal hearing if this is necessary to clarify the factual situation.
- (2) On the hearing the court shall summon the defendant, his/her attorney, the witness and if necessary the expert. If the defendant is a legal entity the court shall summon its representative on the hearing.
- (3) The person proposing the procedure and the damaged party shall be informed of the hearing.

Hearing if the defendant is absent

Article 114

- (1) The court conducting the procedure may decide to hold the hearing in the absence of the defendant which has been properly summoned, and the court has determined that his/her presence is not necessary to correctly determine the situation in the case. Under the same conditions, the hearing may be held if the properly summoned representative of the defended legal entity is absent.
- (2) The hearing shall be held if the properly summoned representative of the submitter of the request fails to appear, if his/her presence is not necessary to clarify the factual situation.
- (3) The hearing will be held even if the properly summoned attorney of the defender fails to appear.

Course of the hearing

Article 115

- (1) The hearing begins with the announcement of the main content of the request. Then the defendant is interrogated. If the defendant is a legal entity and a responsible person within the legal entity, first the representative of the legal entity shall be heard and then the responsible person. After having heard the defendant, an evidence procedure shall be conducted by hearing witnesses, experts and disclosure of other evidence.
- (2) The submitter of the request, the defendant and his/her attorney and the representative of the legal entity, as well as the damaged party, shall have the right, during the procedure, to propose evidence and make other proposals, and upon an approval from the judge conducting the misdemeanor procedure they may also pose questions to the persons being heard.
- (3) On the hearing, the defendant, or the representative of the legal entity, shall always have the last word.
- (4) If the judge conducting the misdemeanor procedure finds that the hearing should not be continued in order to add to the procedure or to clarify certain issues, the judge shall close the hearing and shall pass a misdemeanor judgment, and shall publicly announce the sentence stipulated in the judgment with a brief explanation of the reasons.
- (5) Minutes shall be taken of the work at the hearing including all of the important features of the hearing. The minutes shall be signed by the judge and the minute taker.

Procedure in the event the defendant has committed a misdemeanor during the procedure

Article 116

- (1) If during the performance of the activities in the misdemeanor procedure, the defendant has committed a misdemeanor, the court conducting the misdemeanor procedure, as a rule, upon a request from the present submitter of the request, shall expand the procedure to also encompass this misdemeanor.
- (2) If the submitter of the request is not present or is not authorized to submit a request to instigating a procedure against the misdemeanor stipulated in paragraph 1 of this article, or the defendant has committed a crime, the judge shall form minutes

about this and will convey this information to the competent submitted of the request or the public prosecutor. The same procedure shall apply if somebody else commits a misdemeanor during the performance of the activities of the misdemeanor procedure.

Chapter Twenty Six

PASSING AND ANNOUNCEMENT OF DECISIONS

Types of decisions

Article 117

(1) The misdemeanor procedure finishes with the passing of a judgment or a decision.

(2) The judgment or the decision for a misdemeanor refers only to the person for which the instigation of the procedure has been requested, and only to the misdemeanor specified in the request.

(3) The court is not bound by the proposals and the assessment with respect to the legal qualification of the misdemeanor.

(4) The judgment or decision for the misdemeanor is based on the disclosed evidence and facts determined in the misdemeanor procedure.

Judgment

Article 118

(1) With the passing of a judgment for a the defendant is proclaimed guilty or responsible and a misdemeanor sanction is imposed on him/her or he/she is released from responsibility.

(2) If the misdemeanor procedure is conducted for multiple misdemeanors, the judgment shall indicate for which misdemeanors the defendant shall be proclaimed guilty and what kind of misdemeanor sanction shall be imposed on him/her or he/she is released from responsibility.

(3) The written judgment for a misdemeanor must have an introduction, slant and explanation.

(4) The introduction of the judgment for a misdemeanor shall contain the name of the court which has passed the judgment, the name and last name of the judge who passed the judgment, name and last name of the

defendant and the attorney, the firm or the name and headquarters of the charged legal entity and the misdemeanor for which the procedure has been instigated.

(5) The slant of the judgment for a misdemeanor must contain the personal information of the defendant, information about the charged legal entity, that the defendant is responsible for the misdemeanor or the sanction which is being imposed or that the procedure against the defendant shall stop.

(6) When the misdemeanor judgment has an explanation, the court shall stipulate the evidence and the circumstances based on which it made the decision.

(7) The judgment passed in an abridged procedure, as well as the judgment where the misdemeanor is confessed, and when the right to an appeal is waived, shall not have an explanation.

(8) The court shall not pass a judgment, if the defendant, at the hearing, accepts the payment order which the court will submit to him/her, and the court shall pass a decision stopping the procedure.

(9) The judgment shall contain instructions for appeal.

Judgment with which the defendant is released from responsibility

Article 119

(1) The judgment with which the defendant is released from responsibility shall be passed:

1. if the action committed is not a misdemeanor;
2. if the defendant has not committed the misdemeanor;
3. If there are circumstances which exempt the perpetrator from being responsible for a misdemeanor;
4. if the procedure has been implemented without a request from an authorized authority, or from the damager party (article 80 paragraph 1);
5. If the procedure has been implemented by a court without real competence;
6. if the defendant has been sanctioned for the same misdemeanor in a misdemeanor procedure, and if that sanction is legally effective, or if the misdemeanor procedure has been stopped, but not due to non-competence of the court;
7. if the defendant, in the criminal procedure, has been proclaimed guilty for an offence which also includes the characteristics of the misdemeanor;
8. if the defendant enjoys diplomatic immunity;

9. if the statute of limitations have been reached for the misdemeanor procedure;

10. if there are no evidence that the defendant committed the misdemeanor;

11. if the submitter of the request has given up the request before the legal effectiveness of the misdemeanor judgment.

Decision to stop the procedure

Article 120

(1) The procedure shall be stopped with a decision:

- if the defendant has died;
- if the legal entity has ceased to exist;
- if the court determined that the misdemeanor has been performed in a state of waywardness;
- if during the procedure the defendant has become permanently mentally ill and in other cases determined by this law.

(2) The misdemeanor procedure shall also be stopped in other cases specified by law.

Judgment proclaiming the defendant guilty

Article 121

(1) The judgment for a misdemeanor, whereby the defendant is proclaimed guilty, shall indicate the following:

- for which misdemeanor, or misdemeanors has a sanction been proclaimed, a description of the misdemeanor and a legal qualification of the misdemeanor;
- the sanction imposed on the defendant, or the decision whereby the defendant is relieved from the sanction;
- the sanctions for individual misdemeanors or a unique sanction if the case involves an accumulation of misdemeanors;
- the decision for confiscation of the property and material gains and confiscation of objects;
- the decision for calculating the detention;
- the decision for costs of the procedure;
- the decision for property claims.

(2) The misdemeanor judgment shall specify the deadline in which the fine should be paid, it shall indicate the warning for a substitute imprisonment, as well as the warning that the unpaid fine shall be collected

coercively, and the possibility to substitute imprisonment, with the performance of certain tasks.

Chapter Twenty Seven

COSTS OF THE PROCEDURE

Cost of the procedure

Article 122

(1) The costs of the procedure are:

1. expenses for witnesses, expert witnesses, translators, interpreters, insights and searches of premises and people as well as storage of confiscated objects;
2. costs for arrests;
3. costs for official actions and official persons;
4. costs for treatment of the defendant while he/she is detained, and costs for delivery;
5. travel costs of the defendant;
6. lump sum;
7. award and necessary expenses of the attorney;
8. necessary expenses of the damaged party, and his/her legal representative and the authorized agent.

(2) The lump sum shall be specified within the limits of the amounts specified by a regulation made by the Minister of Justice with respect to the duration and complexity of the procedure as well as with respect to the general situation of the person who should pay it.

(3) The costs stipulated in items 1 to 4 from paragraph 1 of this article, during the misdemeanor procedure, shall be paid in advance from the court funds, and shall be later reimbursed to the court by the person who according to article 123 of this law, is obligated to pay them.

Payment of the costs of the misdemeanor procedure

Article 123

(1) The costs of the procedure shall be paid by the convicted against whom a misdemeanor sanction has been imposed.

(2) If a misdemeanor procedure has been conducted for multiple misdemeanors, the person against whom a misdemeanor sanction has

been imposed shall not bear the costs for those misdemeanors for which the procedure has stopped, if these costs can be separated from the total costs.

(3) If, with one decision, sanctions has been imposed to multiple defendants, the share of the costs to be covered by each of them shall be determined, and if this can not be determined, all of the defendants shall equally bear the costs of the procedure.

(4) The costs of the procedure which was stopped shall be covered by the court budget.

(5) The court conducting the misdemeanor procedure may relieve the defendant from against whom a sanction has been imposed, from having to cover the costs of the procedure stipulated in paragraph 1 of article 122 of this law, except the reward and the necessary costs of the attorney, if the payment of these costs will jeopardize the existence of the defendant or of the people supported by the defendant.

Decision about the costs

Article 124

(1) The decision on the misdemeanor shall determine who shall pay the costs and how big they are.

(2) If there is not sufficient data to determine the costs, a separate decision shall be passed at a later stage with respect to the costs of the procedure.

(3) The request with the data on the level of the costs of the procedure which was stopped, may be filed within three months from the day when the legally effective judgment or decision was handed to the person who has the right to submit such a request.

Special costs

Article 125

(1) The defendant, the damaged party, the attorney, the legal representative, the authorized agent, the representative of the legal entity, the witness, the expert witness, the translator and the interpreter, regardless of the outcome of the misdemeanor procedure shall cover the costs of their arrest, postponement of an activity in the misdemeanor procedure as well as any other costs they have caused due to a fault of their own, as well as the appropriate amount of the lump sum.

(2) A separate decision shall be passed with respect to the costs of the procedure stipulated in paragraph 1 of this article.

Costs in the procedure involving legal remedies

Article 126

(1) For the payment of the costs in the appeals procedure before the second instance court, the final decision shall be made by that court in accordance with the provisions from article 122 to 125 of this law.

(2) The lump sum shall not be determined, if the second instance court in its decision decided partially or completely in favor of the defendant.

(3) The lump sum shall also be specified in case the appeal is dismissed.

Costs in the procedure involving extraordinary legal remedies

Article 127

With respect to the payment of the costs incurred in the procedure with the extraordinary legal remedies, the provisions from articles 122 to 125 of this law, shall apply accordingly.

Enactment of regulations about costs of the procedure

Article 128

The Minister of Justice shall pass a Rulebook on the costs of the misdemeanor procedure.

Chapter Twenty Eight

LEGAL REMEDIES

Types of legal remedies

Article 129

(1) An appeal may be filed against the judgment and the decision of the first instance court, to the second instance court.

(2) In the misdemeanor procedure which has ended with a judgment, extraordinary legal remedies can be used such as: requesting a repetition of the procedure and seeking protection of the legality.

Procedure involving legal remedies

Article 130

(1) In the appeals procedure or in a procedure involving other legal remedies, the attorney must submit an authorization, and if the attorney does not file an authorization, the appeal shall be considered improper.

(2) The parties may submit objections with respect to the appropriateness of the service of process until the completion of the main hearing.

(3) In the appeals procedure or in a procedure involving other legal remedies, the party may not propose new evidence for which it knew and could have proposed in the first instance procedure.

Deadlines for legal remedies

Article 131

(1) The appeal shall be submitted within eight days from the day when decision was received.

(2) The second instance court shall decide immediately, and at most within 30 days from the day the appeal was received, in a closed session.

(3) When dealing with a foreigner, the second instance court shall decide immediately, and at most within three days.

(4) The second instance court may reverse the case, return the case to the first instance court if disclosure of new evidence has been proposed, except when the evidence have been proposed with the appeal.

(5) The second instance court, when deciding for a second time, shall not be bound to the qualification contained within the decision.

(6) When the second instance court confirms the first instance decision passed in accordance with article 118 paragraph 7 of this law, it does not have to provide a written explanation in its decision.

Chapter Twenty Nine

SPECIAL PROCEDURE

Misdemeanor procedure against minors

Application of the provisions from this chapter

Article 132

In the misdemeanor procedure for minors, the provisions from this chapter shall apply, and the other provisions from the misdemeanor procedure, envisaged in this law shall apply only if they are not contrary to the provisions in this chapter.

Competence

Article 133

(1) The misdemeanor procedure against a minor is under the real competence of the court where the minor has a place of living or a place of stay.

(2) The misdemeanor procedure against a minor shall be urgent.

Separation of the misdemeanor procedure

Article 134

(1) When a minor responsible for a misdemeanor has participated in the committing of the misdemeanor together with adult persons, the misdemeanor procedure against the minor shall be separated and shall be conducted in accordance with the provisions of this chapter.

(2) Due to justified reasons, when for the purposes of unanimity of the evidence it would not be beneficial to separate the procedure, the

misdemeanor procedure against a minor may be conducted together with the misdemeanor procedure against adults and in that case it shall be conducted according to the general provisions of this law.

(3) When a unique misdemeanor procedure is conducted against minor and adult offenders, article 137 and 138 of this law shall apply with respect to the minor.

Summoning of a minor

Article 135

(1) The minor shall be summoned through the parent or the guardian, except if this is not possible due to the need to act urgently or due to other important reasons.

(2) If the summoning of the minor is not done through the parent or the guardian, the court which conducts the misdemeanor procedure shall inform the parent, or the guardian about the initiation of the procedure.

Opinion of a guardian authority

Article 136

(1) If a misdemeanor procedure is initiated against an older minor, with respect to a misdemeanor related to violence, severe violations of the public order or a retaliatory misdemeanor, before passing a decision in the misdemeanor, the court shall obtain an opinion from the authority guarding the minor on the minor's personality.

(2) The guarding authority shall, in its opinion point out all the circumstances of significance for making a right and legal decision, and especially the previous behavior of the minor and the circumstances in his/her family.

(3) The guarding authority, as well as the other authority and organizations which have been asked to provide information, reports or opinions, are required to act most urgently.

Duty to testify

Article 137

Nobody may be relieved from the duty to testify about the circumstances of significance for the assessment of the mental state of

development of the minor and for getting to know his/her personality and the circumstances in which he/she lives.

Rights of the parent and/or the guardian

Article 138

(1) In the misdemeanor procedure against minors, the guardian authority, and the parent or the guardian of the minor shall have the right to become familiar with the course of the proceedings and, during the proceedings, to give proposals and point to the facts and evidence of significance for making a correct decision.

(2) When undertaking activities towards a minor, in the presence of the minor, and especially during interrogation, the persons which participate in the misdemeanor procedure shall be obligated to act carefully, taking into account the level of mental development, sensitivity and personal characteristics of the minor.

Termination of the procedure

Article 139

(1) If during the misdemeanor procedure, it is discovered that the minor, during the committing of the misdemeanor has not yet reached 14 years (child), the misdemeanor procedure shall be stopped with a decision.

(2) In the event stipulated in paragraph 1 of this article, the court shall inform the parent or the guardian of the minor, as well the guardian authority about the committed misdemeanor, and, if necessary, it shall inform the school or the organization or the community where the minor is accommodated for educational purposes.

Authority of the court to assess the purposefulness of the procedure

Article 140

(1) The court may, after having obtained an opinion from an authority for social works, decide not to initiate a misdemeanor procedure against the minor, if it thinks that it would not serve the purpose to conduct the procedure, considering the nature of the misdemeanor and the

circumstances in which the misdemeanor has been committed, the prior life of the minor and his/her personal characteristics.

(2) In the event of paragraph 1 of this article, the request to instigate the misdemeanor procedure shall be dismissed with a decision, and the explanation shall contain the reasons because of which the request was dismissed. The parent and the guardian and the guardian authority shall be informed about the committed misdemeanor.

Mandatory interrogation

Article 141

(1) In the misdemeanor procedure against a minor, a decision for the misdemeanor may not be passed without interrogating the minor.

(2) The minor shall not pay the costs for the misdemeanor procedure, if the minor was only warned.

Decisions in the procedure

Article 142

(1) The procedure against a minor shall finish with a decision with which a sanction is imposed against the minor.

(2) The court may stop the procedure against the minor in case when the conditions stipulated in articles 119 and 120 of this law, have been fulfilled.

Service of the decision

Article 143

(1) From the verbally announced decision, the minor shall be given a notarized transcript within eight days from the day when the decision has been announced.

(2) The parent or the guardian of the minor and the guardian authority shall be given a copy from the legally effective decision on a misdemeanor with which a misdemeanor sanction has been imposed on the minor.

Appeal against a decision

Article 144

(1) Against the decision passed in a misdemeanor procedure against a minor, an appeal may be filed by the persons stipulated in article 351 from the Law on Criminal Procedure, the guardian, the brother, the sister and the breadwinner of the minor.

(2) The persons from paragraph 1 of this article may lodge an appeal in favor the minor, even if this is contrary to his/her will.

Extraordinary legal remedies

Article 145

In the misdemeanor procedure against a minor, the following extraordinary legal remedies may be used: requesting a repetition of the procedure and requesting protection of legality.

Chapter Thirty

PROCEDURE FOR CONFISCATION OF PROPERTY, PROPERTY GAINS AND CONFISCATION OF OBJECTS

Article 146

In the procedure regarding confiscation of property, property gains and seizure of objects, the provisions from the Law on Criminal Procedure shall apply accordingly.

Chapter Thirty One

COMPENSATION FOR DAMAGES, REHABILITATION AND OTHER RIGHT OF THE PEOPLE AGAINST WHOM SANCTION HAVE BEEN IMPOSED OR HAVE BEEN, WITHOUT BASIS, IMPRISONED

Article 147

In the procedure for compensation of damages, rehabilitation and other rights of persons against whom sanctions have been imposed or which have been deprived of their freedom without a legal basis, the provisions of the Law on Criminal Procedure shall apply accordingly.

Chapter Thirty Two

ENFORCEMENT AND RECORDING OF DECISIONS

Legal effectiveness and enforcement of a judgment and a decision

Article 148

(1) With respect to the enforcement of the sanctions imposed in the misdemeanor procedure, the provisions from the Law on Enforcement of Sanctions shall apply accordingly.

(2) The provisions from the Law on Enforcement shall apply with respect to coercive enforcement, the mandatory fine and the payment order.

3) When the fine or the payment order have been paid in the post office or in another financial organization performing payment transactions, it shall be obligated within 8 days to submit to the court a copy of the performed payment.

Recording of decisions

Article 149

For each misdemeanor case, records shall be kept in the State Statistical Office, and the forms shall be determined with a rule book passed by the Minister of Justice.

Chapter Thirty Three

FINAL AND TRANSITIONAL PROVISIONS

Article 150

The court rules of procedure shall regulate the action of the court with respect to recordkeeping of the misdemeanor sanctions in accordance with article 45 of this law, within 30 days from the day when this law becomes legally effective.

Article 151

(1) The procedures which are still pending, shall be completed in accordance with the provisions of the existing law, within at most one year from the legal effectiveness of this law.

(2) The legally effective sanctions shall be enforced in accordance with the existing law.

(3) The punishments imposed in the first instance, in live with the Law on Misdemeanors ("Official Gazette of RM" no. 15/97), up until the time when a legally effective decision is reached, shall be replaced with an appropriate sanction, the imprisonment should be replaced with a fine, and in the event of repetition of the procedure, the new procedure shall be conducted in accordance with this law.

Article 152

On the day when this law comes into force, the misdemeanor procedures which are still pending in line with the provisions from the Law on Misdemeanors ("Official Gazette of RM" no. 15/97), shall be completed in accordance with the provisions of this law, if they are more favorable for the defendant.

Article 153

The secondary legislation envisaged with this law shall be passed within six months from the day when this law comes into force.

Article 154

The state authorities shall be obligated, within twelve months from the day of legal effectuation of this law, to harmonize the laws prescribing misdemeanor sanctions with the new misdemeanor sanctions prescribed in this law.

Article 155

On the day when this law comes into force, the Law on Misdemeanors ("Official Gazette of RM" no. 15/97) shall cease to apply.

Article 156

This law shall enter into force on the eighth day from the day of publication in the “Official Gazette of the Republic of Macedonia”.